

**UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

CHARLIE THORNTON,)
)
)
Plaintiff,)
)
v.)
)
FEDEX GROUND PACKAGE SYSTEM, INC.)
)
)
Defendant.)
)

REPORT OF PARTIES' PLANNING MEETING

1. **Appearances.** Pursuant to Fed. R. Civ. P. 26(f), a teleconference was held on August 17, 2005, and was attended by:

Andy Nelms
 Law Offices of Jay Lewis, LLC
 Attorney for Plaintiff Charlie Thornton

John R. Parker, Jr.
 Spotswood LLC
 One of the Attorneys for Defendant FedEx Ground Package System, Inc.

2. **Pre-Discovery Disclosures.** The parties have not agreed to a set date for the exchange of Fed. R. Civ. P. 26(a)(1) initial disclosures. FedEx Ground will agree to an exchange of initial disclosures on September 15, 2005, with the understanding that discovery will not proceed until the disclosures have been exchanged. FedEx Ground is also willing to exchange disclosures by August 31, 2005, fourteen days after the Rule 26(f) conference, the time period contemplated by Fed. R. Civ. P. 26(a)(1). Mr. Thornton will agree to exchange initial disclosures on September 15, 2005, with no preconditions regarding the initiation of discovery.

3. **Discovery Plan.** The parties jointly propose to the court the following discovery plan:

- a. Discovery will be needed on the following subjects:

1. All information pertaining to Plaintiff's claims and damages.

2. All information pertaining to Defendant's defenses.
- b. All discovery commenced in time to be completed by March 31, 2006.
- c. There will be a maximum of 25 interrogatories by each party to any other party. The responses will be due 30 days after service.
- d. There will be a maximum of 30 requests for production of documents by each party to any other party. The responses will be due 30 days after service.
- e. There will be a maximum of 30 requests for admission by each party to any other party. Responses will be due 30 days after service.
- f. The parties agree that no more than 10 depositions may be taken by a party without leave of the court or agreement of the parties. Each deposition is limited to a maximum of 7 hours unless extended by agreement of the parties.
- g. Reports from retained experts under Rule 26(a)(2) will be due from Plaintiff by January 16, 2006, and from Defendant by February 15, 2006.
- h. Supplementation of the disclosures will be due March 1, 2006.

3. **Other items.**

- a. **Scheduling Conference**
The parties **do not** request a conference with the court before entry of the scheduling order.
- b. **Pretrial Conference**
The parties request a pretrial conference in July 2006.
- c. **Additional Parties, Claims and Defenses**
The parties must join additional parties and amend the pleadings by March 15, 2005.
- d. **Dispositive Motions**
All potentially dispositive motions should be filed by March 15, 2006.
- e. **Settlement**
Settlement and the possibility of mediation cannot be evaluated until some discovery is complete.

f. **Trial Evidence**

The final list of witnesses and trial evidence under Rule 26(a)(3) should be due four weeks before trial. The parties should have 14 days after service to list objections under Rule 26(a)(3).

g. **Trial Date**

This case should be ready for trial by August 1, 2006, and at this time is expected to take approximately 2 days of trial time.

Dated: August 17, 2005

s/K. ANDERSON NELMS

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Attorney for Charlie Thornton

/s JOHN R. PARKER, JR.

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Attorneys for FedEx Ground Package System, Inc.

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MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

CHARLIE THORNTON,)
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Plaintiff,)
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v.) Civil Action No. 2:05-cv-00656-DRB
)
)
FEDERAL EXPRESS,)
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)
)
Defendant.)
)
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CERTIFICATE OF SERVICE

I hereby certify that on August 17, 2005, I electronically served via the CM/ECF system of the U.S. Court for the United States Court for the Middle District of Alabama the following counsel of record for the Plaintiff:

K. Anderson Nelms
P.O. Box 5059
Montgomery, AL 36103

DATED: August 17, 2005

/s JOHN R. PARKER, JR.

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